



Hearing held on 4/12/2023.

The relief described hereinbelow is SO ORDERED.

Signed April 13, 2023.

A handwritten signature in black ink that appears to read "H. Christopher Mott".

**H. CHRISTOPHER MOTTO
UNITED STATES BANKRUPTCY JUDGE**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE: §
A&R CHAVIRA, LLC, § CASE NO. 23-30067-hcm
§
DEBTOR. § CHAPTER 11

**AGREED ORDER LIFTING AUTOMATIC STAY WITH RESPECT TO NEXTGEAR'S
BLANKET LIEN COLLATERAL**

Before me came to be heard NextGear Capital, Inc.'s Motion for Relief From Automatic Stay Regarding Blanket Lien Collateral (the "Motion") filed by NextGear Capital, Inc. ("NextGear") seeking an Order pursuant to 11 U.S.C. § 362(d)(1) and/or § 362(d)(2) lifting the automatic stay in the above-captioned Chapter 11 proceeding of the Debtor, A&R Chavira, LLC ("Debtor"), with respect to all remaining assets of Debtor with the exception of vehicle inventory for which Vehicle Acceptance Corporation identified in their Agreed Order Granting Motion Of Vehicle Acceptance Corporation For Relief From Stay Against Property Of The Estate [Doc. # 43] (collectively, the "Blanket Lien Collateral").

The Court FINDS that the Motion was properly filed and served, and that all parties were provided with notice of hearing.

The Court further FINDS and concludes that the Motion was made pursuant to subsections (a), (b), or (c) of Rule 4001(d), Federal Rules of Bankruptcy Procedure, and that the contents of and the notice of the Motion were sufficient to afford reasonable notice of the material provisions of the agreement and an opportunity for a hearing.

The Court further FINDS after consideration of the Motion, any response thereto, the evidence submitted with the court, and the testimony of any witnesses that good, adequate, and sufficient cause has been shown to justify the granting of the relief provided for herein.

The Court further FINDS that NextGear asserts a perfected, first-priority security interest in the Blanket Lien Collateral, including the following vehicles that were not previously financed by Debtor with any specific floor plan lender (the “Blanket Vehicles”):

Year	Make	VIN
2013	Land Rover	SALSK2D40DA784720
2011	BMW	WBAPK5C53BA659276
2014	Mercedes Benz	WDDGJ4HB4EG188230
2003	Chevrolet	1G1YY32G635106105
2006	Honda	2HGFG21506H705916
2004	BMW	WBANA73524B062641
2017	Dodge Challenger	2C3CDZBT8HH565749

Accordingly, it is therefore ORDERED that the automatic stay shall immediately lift with respect to the Blanket Lien Collateral, including the Blanket Vehicles, such that NextGear may take any and all available action under state law to secure, repossess, and foreclose upon such Blanket Lien Collateral.

IT IS FURTHER ORDERED that, pursuant to the relief sought in the Motion, the fourteen-day stay is waived and does not apply. See Fed. R. Bankr. P. 4001(a)(3).

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AGREED IN FORM:

Padfield & Stout, LLP 420 Throckmorton Street, Suite 1210 Fort Worth, Texas 76102 Phone: 817-338-1616 Fax: 817-338-160 <u>/s/ Christopher V. Arisco</u>	Miranda & Maldonado, P.C. 5915 Silver Springs, Bldg. 7 El Paso, Texas 79912 Phone: 915-587-5000 Fax: 915-587-5001 <u>/s/ Carlos A. Miranda</u>
Christopher V. Arisco State Bar I.D. # 24064830 carisco@padfieldstout.com	Carlos A. Miranda State Bar I.D. # cmiranda@eptxlawyers.com

Attorney for NextGear Capital, Inc.

Attorney for Debtor

In re:
A&R Chavira, LLC
Debtor

Case No. 23-30067-hcm
Chapter 11

District/off: 0542-3
Date Rcvd: Apr 13, 2023

User: admin
Form ID: pdfintp

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol Definition

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 15, 2023:

Recip ID	Recipient Name and Address
db	+ A&R Chavira, LLC, 6900 Gateway Blvd. East, El Paso, TX 79915-1105

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 15, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 13, 2023 at the address(es) listed below:

Name	Email Address
Carlos A. Miranda	on behalf of Debtor A&R Chavira LLC cmiranda@ptxlawyers.com, wendy@ptxlawyers.com
Christopher V. Arisco	on behalf of Creditor NextGear Capital Inc. carisco@padfieldstout.com, carisco@livepad.com
Don Stecker	on behalf of Creditor City Of El Paso don.stecker@lgbs.com
Erin Coughlin	on behalf of U.S. Trustee United States Trustee - EP12 erin.coughlin@usdoj.gov roxana.peterson@usdoj.gov;carey.a.tompkins@usdoj.gov;omar.e.jones@usdoj.gov
James Randolph Liebler, II	on behalf of Creditor Westlake Flooring Company LLC jrlii@lgplaw.com mkg@lgplaw.com
James W. Brewer	on behalf of Creditor Vehicle Acceptance Corporation jbrewer@kempsmith.com tschoemer@kempsmith.com

District/off: 0542-3

User: admin

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Date Rcvd: Apr 13, 2023

Form ID: pdfintp

Total Noticed: 1

United States Trustee - EP12

USTPRegion07.SN.ECF@usdoj.gov

TOTAL: 7